tract between a carrier and a circus company to furnish motive power, etc., to move the circus train over the carrier's road at reduced rates, and exempting the carrier from liability was not contrary to public policy.

The weight of authority holds that in such a case the railroad acts as a private and not as a common carrier and has the right to limit its liability by special contract. *C. M. & St. P. R. Co. v. Wallace,* 66 Fed. 506; *Robertson v. Old Colony.* 156 Mass. 525. For such a contract is not against public policy. *Wilson v. At. Coast Line R. Co.* 129 Fed. 774. Exemption of the railroad company from liability for negligence by special contract in the case of an express messenger has likewise been held valid on the same ground. *Long v. Lehigh Val. R. Co.,* 130 Fed. 870; *Peterson v. C. & N. W. R. Co.,* 119 Wis. 197. But a case holding the contrary is reported in N. C., where there was doubt as to whether the railroad was acting as a common or private carrier. *Seaboard Air Line R. Co. v. Main,* 132 N. C. 445. However, it is generally held that a common carrier can not by special contract exempt itself from liability for its own negligence or that of its servants. *School Dist. v. B. H. E. R. R.,* 102 Mass. 552; *Rose v. Des Moines R. Co.,* 39 Ia. 246.

CRIMINAL LAW—EVIDENCE OF INTENT—OTHER OFFENSES.—STATE v. HIGHT, 63 S. E. 1043 (N. C.).—*Held,* that, in the prosecution of accused for embezzlement of a watch from his employers, evidence that accused. during two years of his employment had repeatedly taken other property from his employers, disposed of it and applied the proceeds to his own use, was admissible to show intent.

It is a general rule that, on the trial of the accused on one offense, proof of other distinct crimes is not admissible, *Boyd v. U. S.,* 142 U. S. 450; *Copperman v. People,* 56 N. Y. 593; but where a question of intent is involved, other offenses are admissible for the purpose of establishing that intent. *U. S. v. Snyder,* 14 Fed. 554; *State v. Murphy,* 84 N. C. 742. For this purpose, evidence of other offenses has been generally, though not always, admitted in cases of embezzlement. *People v. Cobler,* 108 Cal. 538; *Com. v. Tuckerman,* 10 Gray (Mass.) 173; *contra. Kribs v. People,* 82 Ill. 425. The collateral offenses must, however, be of such a kindred nature to the crime charged that the same motive might be reasonably imputed to all; *People v. Keepers,* 14 N. Y. Supp. 66; *U. S. v. Mitchell,* Fed. Cas. No. 15,789; and, in point of time, they must be before and reasonably near the crime charged. *People v. Hill,* 34 Pac. 854; *State v. Jeffries,* 117 N. C. 727.

CRIMINAL LAW—INTOXICATING LIQUORS—EVIDENCE—OTHER OFFENSES. —CAMPBELL v. STATE, 116 S. W. 581 (TEX.). In a prosecution for unlawfully selling intoxicants to a certain person named in the information, *held,* it was error to admit evidence of sales to another, made the day after the sale alleged in the information; there being no connection between the two sales.

This holding is supported by the weight of authority. On a trial for selling liquor illegally, it is error to admit evidence of two distinct sales.

Naul v. City of McComb, 70 Miss. 699; and on a prosecution for the unlawful sale of liquor, evidence of sales other than charged in the indictment is inadmissible. *Ware v. State,* 71 Miss. 204; *State v. Nield,* 4 Kan. App. 626; *Hodgman v. People,* 4 Denio. (N. Y.) 235. But where the contrary has also been held as where the defendant was indicted for selling intoxicants on a certain Sunday in November, testimony was admitted to prove that he was selling not only during November, but also in all other months. *Lynn v. State (App.)* 22 S. W. 878. And on a trial for maintaining a hotel as a liquor nuisance, after proof of illegal sales in the hotel, evidence of similar sales in barns and buildings appurtenant thereto was held admissible. *State v. Arnold,* 98 Ia. 253. See also *Sellers v. State,* 98 Ala. 72; *State v. Raymond,* 24 Conn. 204.

ELECTRICITY—INJURIES INCIDENT TO PRODUCTION—ACTIONS.—STRACK ET AL. V. MISSOURI & K. TELEPHONE CO. ET AL., 116 S. W. (Mo.) 526. An injury caused by allowing telephone wires to remain on poles of a street railway. where they were blown down across the trollew wires and heavily charged, *held,* not to be a consequence reasonably to be anticipated.

Such a question depends on whether the companies involved were negligent in construction and maintenance and whether they had a reasonable time to remove the danger. *Heidt v. So. Telephone & Telegraph Co.,* 122 Ga. 474; and if a cyclone which could not reasonably be foreseen causes a wire charged with electricity to fall, and defendant is not negligent in allowing it to remain, he is not liable. *Mitchell v. Charleston L. & P. Co.,* 31 L. R. A. 577. But where telegraph wires thrown down by a storm rested on the trolley wire of an electric railway, and the plaintiff's horses were injured by the current received by the telegraph wire from the trolley wire, the proximate cause was the falling of the telegraph wire. *City of Albany v. Watervliet T. & Ry. Co.,* 27 N. Y. Supp. 848. And it is held that both companies are liable in such cases in *McKay v. So. Bell Telephone & Telegraph Co.,* 111 Ala. 337. Likewise, *Western Union Tel. Co. v. Md. ex rel. Edward Nelson,* 82 Md. 293, lays down the rule that there is a *prima facie* presumption of the negligence of the owners.

EVIDENCE—JUDICIAL NOTICE—GEOGRAPHICAL FACTS.—VONKEY V. CITY OF ST. LOUIS, 117 S. W. 733 (Mo.)—*Held,* that neither the trial court nor the court on appeal can take judicial notice of the existence of streets in municipalities.

Courts differ as to whether or not they may take judicial notice of municipal streets. New York holds that both the trial court and the court on appeal may take such notice of their general direction and where they begin and end. *Skelly v. N. Y. El. R. R.,* 27 N, Y, Supp. 304, *affirmed,* 148 N. Y. 747; *Gruber v. N. Y. City Ry.,* 103 N. Y. Supp. 216. An earlier decision in the jurisdiction where the case under discussion was tried held, that the court took judicial notice of important streets as of other matters of public notoriety and general information.